

Plaintiff's Name CONNIE D. LEWIS  
 Prisoner No. J-14465  
 Institutional Address SALINAS VALLEY STATE  
PRISON B1-239, PO BOX 1050, SOLE-  
DAD, CA 93960

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for the Northern District of California.	

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

CONNIE DAVE LEWIS  
 (Enter your full name)

v.

TAMMY FOSS, M. ATCHLEY, P.  
BAKITIN, VAUGHN, S. OCHOA

(Enter the full name(s) of all defendants in this action)

Case No. \_\_\_\_\_  
 (Provided by the clerk upon filing)

COMPLAINT BY A PRISONER  
 UNDER THE CIVIL RIGHTS ACT,  
 42 U.S.C. § 1983

JURY TRIAL DEMANDED

**I. Exhaustion of Administrative Remedies.**

*You must exhaust available administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.*

- A. Place of present confinement SALINAS VALLEY STATE PRISON
- B. Is there a grievance procedure in this institution? YES ☒ NO ☐
- C. If so, did you present the facts in your complaint for review through the grievance procedure? YES ☒ NO ☐
- D. If your answer is YES, list the appeal number and the date and result of the appeal at each level of review. If you did not pursue any available level of appeal, explain why.

1. Informal appeal: \_\_\_\_\_

2. First formal level: PARTIALLY GRANTED (MARCH 3, 2019)

3. Second formal level: PARTIALLY GRANTED (APRIL 19, 2019)

4. Third formal level: DENIED (AUGUST 16, 2019)

E. Is the last level to which you appealed the highest level of appeal available to you?

YES ☒ NO ☐

F. If you did not present your claim for review through the grievance procedure, explain why.

## II. Parties.

A. If there are additional plaintiffs besides you, write their name(s) and present address(es).

B. For each defendant, provide full name, official position and place of employment.

TAMMY FOSS, WARDEN, SALINAS VALLEY STATE PRISON. M. MATCH-  
LEY, CURRENT WARDEN, SALINAS VALLEY STATE PRISON. P. RAK-  
ITIN, CORRECTIONAL OFFICER, SALINAS VALLEY STATE PRISON,  
PLANT OP WORKER VAUGHN, SALINAS VALLEY STATE PRISON, PLANT  
OP SUPERVISOR S. OCHOA, SALINAS VALLEY STATE PRISON.

## III. Statement of Claim.

State briefly the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate numbered paragraph.

ON OR ABOUT DECEMBER 4, 2018 PLAINTIFF LEWIS ARRIVED AT SALI-  
NAS VALLEY STATE PRISON. PLAINTIFF WAS ASSIGNED TO FACILITY  
B1, CELL 239. UPON ENTERING THE CELL PLAINTIFF OBSERVED APP-  
ROXIMATELY A FOOT OF RAIN WATER ON THE CELL FLOOR. PLAINTIFF



### III. Statement of Claim.

State briefly the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate numbered paragraph.

ALSO NOTICED THAT THE RAINWATER WAS LEAKING FROM THE CEILING AND FROM THE TOP OF THE WALLS. AT THE TIME PLAINTIFF INFORMED FLOOR STAFF, PLAINTIFF ALSO REQUESTED TO BE REHOUSED. THE REQUEST WAS DENIED. FROM DEC 2018 THROUGH JAN 2019 PLAINTIFFS CELL WOULD FLOOD WITH RAINWATER ON A REGULAR BASIS CAUSING HAZARDOUS CONDITIONS. PLAINTIFF MADE SEVERAL REQUESTS TO CORRECTIONAL OFFICER RAKITIN (BI/2ND/2ND SENIOR OFFICER) TO BE REHOUSED AND EACH TIME THE REQUEST WAS DENIED. ON JANUARY 14, 2019 PLAINTIFF SLIPPED AND FELL DUE TO RAINWATER THAT ACCUMULATED IN HIS ASSIGNED CELL CAUSING INJURIES TO HIS LOWER BACK AND TAILBONE. ON JAN 14, 2019 PLAINTIFF WAS SENT TO THE FACILITY B CLINIC TO BE EXAMINED. A PERFUNCTORY EXAMINATION WAS PERFORMED ON PLAINTIFF BY B. BRESLIN (SEE EXHIBIT-A). ON OR ABOUT JAN 27, 2019 PLAINTIFF SENT A LETTER TO THE WARDEN REGARDING THE COMPLETE MATTER ESPECIALLY MEDICALS FAILURE TO EXAMINE PLAINTIFF.

### IV. Relief.

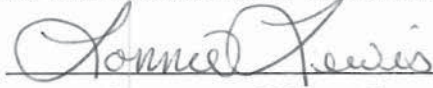
Your complaint must include a request for specific relief. State briefly exactly what you want the court to do for you. Do not make legal arguments and do not cite any cases or statutes.

PLAINTIFF LEWIS RESPECTFULLY PRAY THAT THIS COURT ENTER JUDGEMENT: GRANTING PLAINTIFF COMPENSATORY DAMAGES IN THE AMOUNT OF \$120,000 AGAINST EACH DEFENDANT JOINTLY AND SEVERALLY. PLAINTIFF SEEKS PUNITIVE DAMAGES IN THE AMOUNT OF \$50,000 AGAINST TAMMY FOSS, M. ATCHLEY, P. RAKITIN, AND VAUGHN.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on:

January 11, 2021  
Date

  
Signature of Plaintiff

1 TIFFS INJURIES (SEE EXHIBIT - B). FOR APPROXIMATELY FIVE MONTHS AFTER THE SLIP AND  
2 FALL INCIDENT PLAINTIFF SUBMITTED NUMEROUS 1362 FORMS TO THE FACILITY - B CLINIC  
3 COMPLAINING ABOUT BACK AND TAILBONE PAIN (SEE EXHIBIT C). AS OF THE FILING OF THIS  
4 COMPLAINT PLAINTIFF'S INJURIES HAVE NOT BEEN PROPERLY ADDRESSED. ON FEB 4, 2019  
5 PLAINTIFF FILED A GRIEVANCE (602) REGARDING THE SLIP AND FALL INCIDENT (SEE EXHIBIT -  
6 D). ON MARCH 3, 2019 SERGEANT MCKAY (FACILITY - B 13RD/W) SUBMITTED A WORK REQUEST  
7 TO PLANT OPERATIONS TO REPAIR THE LEAKS IN 239 (SEE EXHIBIT - E). ON OR ABOUT AUG  
8 8, 2019 PLAINTIFF WAS TOLD BY VAUGHN THAT THE LEAKS HAD BEEN REPAIRED. ON  
9 NOV 5, 2020 RAINWATER LEAKED INTO THE PLAINTIFFS CELL. PLAINTIFF NOTIFIED C/O  
10 ALAMOS. C/O ALAMOS OBSERVED THE LEAKS AND CONVEYED TO PLAINTIFF THAT SHE WOULD  
11 SUBMIT A WORK ORDER. AS A RESULT OF THE DEFENDANTS NEGLIGENCE PLAINTIFF IN-  
12 JURED HIS LOWER BACK AND TAILBONE CAUSING PLAINTIFF LEWIS'S SUFFERING AND  
13 EMOTIONAL DISTRESS VIOLATING PLAINTIFFS RIGHTS UNDER THE EIGHTH AMEND-  
14 AMENDMENT TO THE UNITED STATES CONSTITUTION. THESE ILLEGAL ACTIONS ARE  
15 CAUSING PLAINTIFF LEWIS INJURY TO HIS EIGHTH AMENDMENT RIGHTS.



# **CIVIL COMPLAINT**